Canadian Moving Picture DIGEST

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"Easy to Digest"

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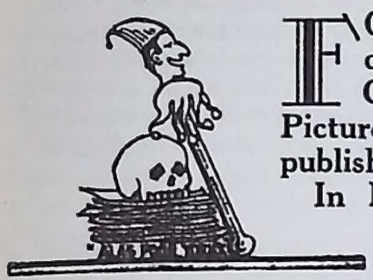
WHAT NOVEMBER BROUGHT US



FOR nearly a quarter of a century, The Canadian Moving Picture Digest has been published in Canada.

In November, a magazine called "Movie Digest", edited by Roly Young, who does the "Rambling With Roly" column in the Globe and Mail, made its appearance, published by Movie Digest Publishing Company Limited, at Pickering, Ontario.

Some few weeks ago, The Hollywood Reporter published a story about the coming publication of the "Movie Digest", and that Henry Nathanson, brother of N. L. Nathanson, was its financial backer.

Ray Lewis is still the Editor of The Digest with which you are familiar, and she has no financial backing from the Nathanson family. So if you are a reader of The Canadian Moving Picture Digest, you can be financially interested in this paper which has always served you, by becoming a paid subscriber.

Have you been frozen out of product? Have you had a code of business conduct to contend with to which base use you would not descend?

Watch The Digest, it will remind you of the good old Times when Mr. N. L. Nathanson drove your Editor into a lawsuit against him for Restraint of Trade, and gave her some of the most powerful Independent Exhibitors as her financial backer, for a paper published in the United States called "The Spotlight".

There are exhibitors in the U.S. and in Great Britain who have invited your Editor to publish a paper for them. Your Editor likes Canada, the country in which she was born, but, perhaps, in the language of the clergy, she may have a call!

There will, however, always be your Digest, be it lean or fat, starvation has no terms for one which has for so long a time learned to adjust itself to tightened budgets!

"BIRTH OF A BABY"

SOMETIME ago, there was a miniature battle over a film called "Birth of a Baby". There was a line-up of press, educationalists, etc., those who were for releasing it, and those who were opposed.

Many contended that this film was only fit for clinics, and that its exhibition as Entertainment should be censored.

Our own Censor Board in Canada was not worried by this film, since this baby, at least as far as Canada was concerned, was still-born.

There is a rumour that in some way, that is through rum-runner channels, the baby is to be sneaked into Canada.

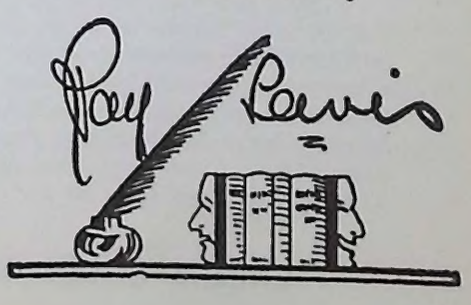
It will not cover the Industry in Canada with any glory, but cause a great deal of worry for everyone, with this consequence, that the Censor Board will be exercised to be more alert than ever. Here is an American-born baby which should stay in its own back yard.

THE TREATY OF FRIENDS

FOR the first time in the history of a Treaty as between Canada and the United States, the Film Trade has been considered in the matter of preferential treatment.

The new trade treaty, between Canada and the United States, draws these countries closer together. Both countries receive long lists of advantages. Nor is Great Britain forgotten in the Trade Treaty of Friends.

Nazi Germany is Uncle Sam's only foreign outlawed Trader, because trading with Nazi Germany would indeed be Blood-Money.



RAY PRESENTS

RAY LEWIS

I ACCUSE myself of being a humanist, and remaining a supporter of the best which is embodied in Liberalism, Conservatism and Socialism. They each have a best; their worst is their Party Label when it prevents them from cheering for the best in the platform which each respectively presents.

I know something about these labels, therefore I can talk about them. I know nothing about Communism save that it is associated with the word "red" and "bolshevik", and my reason for not getting better acquainted with what these terms mean, is due to the fact that I am comfortable as I am. I like to live well and to spread the gospel of living well among all people, those who have and those who have not. I am, also, an Individualist, one who believes that the State exists to serve its people.

Something in my make-up dislikes to see people poor, or to see people who are making a living, deprived of the means of making this living, providing the latter are willing to fight for what they possess with the same fighting spirit as those who are very wealthy. These fight always to retain, protect and increase their wealth.

I HATE a louse, that is a parasite that lives on the unclean body of another. I think I hate the louse more than I do the lousy person who owns the body upon which the louse lives, because I have a feeling that the lousy individual has given the louse body-room because it costs money to keep clean and healthy, and it takes effort to fight an invader.

Not all lousy people are dirty through preference, or through their own negligence, apathy, weakness of body, or weakness of character. Some of our V.C. soldiers were lousy because the business of fighting an Enemy in the circumstances under which they had to fight, made them a prey for vermin. In prosperous and peaceful times, no one need be lousy in person or character.

I call a sick man, who is so greedy for wealth that he stays awake at night, surrounding himself with lousy characters to find ways and means whereby he can add to his own wealth, even if those indirectly associated with him in enterprise, become lousy through the pressure he places upon them; I call that kind of rich man, the King of Lice, and I am all for cleaning him up.

Despite such thumb-cracking impulses, I still feel that I am a peaceful and useful citizen, intent only on the greatest good to the greatest number, and with an inherent respect for Law and Order. How do you feel about yourselves? The time has arrived when we must each of us take a look at ourselves.

THE Nazis, the Fascists, the Communists all think they are "clean" and "pure". They shout it from YOUR HOUSETOP. They are determined to rid the world of humanists such as we are, that is, if you, my reader, belong to my class. They want no other god before them, and they want Dominion over earth! With them you perish, because if you believe in God, Liberty, Justice, the brotherhood of man and the Fatherhood of God, you are just a louse to them.

If you make a louse of yourself by not believing in these Attributes of Civilization, you may belong to a race which their platform must destroy, and they exterminate you just the same.

If the Nazis did not have Jews, Catholics and Socialists to kill, they would kill each other, because such lice must have bodies to prey upon.

When a couple of Big Lice get fighting over a Body, being a humanist, I warn them that they draw attention to themselves, that they are greedy lice, but I am not morally or spiritually concerned if they spill their nasty blood. I might even be inclined to cheer for the victorious louse, because my philosophy as a humanist teaches me, THAT EACH OF US IS DESTROYED BY THAT WHICH WE USE TO DESTROY ANOTHER.

I HAVE published The Digest for close to twenty-five years. In my day, I have come through a few battles in my effort to delouse the Independents, to bid them to rid themselves of conditions which consume them.

I observe that this year is the year of salvation for the Independents; the best year through which they will ever pass, that is, if they pass through clean, and fight to keep themselves from being cleaned out. Their chances of being submerged are nearly as big as their chances to remain prosperously in business.

I think that they have two perils which they must pass, and having passed these, their independence will be accomplished.

Ontario Children's Aid Society Requests Exhibitors Refuse Admittance of Children to 'Horror' Pictures

Ray Presents

The first peril is "clearances", and the second is the 16mm. film of feature productions.

As "clearances" relates itself to Canada and the Independent exhibitor, there is only one answer — CLEAR IT UP! No theatre, outside of a first-run theatre, which charges an admission price higher than a suburban theatre, should have "protection". For producer-distributors to submit to such a restraint on the distribution of their perishable product, is just an indication of a disability to eradicate a bad habit which has developed into a vice.

DID you ever stop to think how far the American Film Industry compromises with nations who say "you must"? Does it not appear reasonable that producer-distributors, so adept and capable in adjusting themselves to national film barriers in foreign countries, should find a solution and a compromise on the "clearance" disturbance, which is an impediment to Trade?

Surely Independent Exhibitors and producer-distributors are neither Nazis, nor Fascists. You collect your money in advance when you sell to the former; and they buy in accordance with your contract. Why can't there be conciliation, friendship in our Trade?

Let us look at the 16mm. film. Why should any showmen be interested in showing a feature picture anywhere but in a theatre built for that purpose? I exhibited pictures in stores twenty-five, thirty years ago, when we were not too genteel for the public service of spitoons therein. What is this 16mm. feature picture development, a return to the store-age, a goose-step backward to the cave-man? In some of our halls in Canada, they even use a sheet for a screen. Sounds like a morgue and Show Business the Dead Body!

When one thinks of what is going on in the countries of Terror, does it not convince us that we should be busy with but one Fight, the Fight for Democracy, and that here in this land of freedom, this land of a government by the people, that men and women should unite, live and trade peacefully and fairly?

There are no pockets in Shrouds, why can't we, in our brief years of life, live and let live!

General News

A MEETING of the Conciliation Committee of the Motion Picture Section of the Toronto Board of Trade, will be held on Wednesday, December 7th. The question of "clearances" and other matters, will be discussed.

* * *

THE private investigation, which is being conducted in Quebec, in respect to bringing about some form of amendment to the Quebec Film Act, which prohibits the attendance of children at theatres, is rapidly approaching a stage where some decision will be made as to future action on this bill.

This investigation has been carried on in a very quiet way, for the past six months. The theatre-owners have been forwarding ideas to the Government, who in turn has given them consideration. Mr. D. A. Burpee, Secretary of the Quebec Allied Theatrical Industries, Incorporated, at Montreal, is largely responsible for the efforts which have been made, and it is believed that the Government will shortly announce some action on this bill. The possibility of a classification of films, has been mentioned.

* * *

THE Strand Theatre, at Port Colborne, Ontario, was completely gutted by fire on Wednesday. The theatre, which had a seating capacity of 600, was the property of Premier Theatres Limited, and represented a $30,000 investment.

* * *

COLONEL JOHN A. COOPER, of Motion Picture Producers and Distributors, Toronto, has been elected President of the Ontario Division of the Canadian Red Cross.

* * *

THE Times Theatre, Winnipeg, which is showing foreign films exclusively, played for its initial run, "Defence of Siberia". Mr. H. B. Shawn of Toronto, is in charge of this house. Among the films to be presented, is "Carnet du Bal", which is an exceedingly fine picture, starring Pierre Blancher, who co-stars with Ruth Chatterton in Herbert Wilcox's "A Royal Divorce". To round out his program, Mr. Shawn is showing American shorts.

* * *

MR. SID SCOTT, Manager of the Capitol Theatre at Sudbury, who was in St. Joseph's Hospital, is reported as practically recovered from his illness. Also Mrs. Frank Audus, manager of the Capitol at Amherst, N.S., who has been quite seriously ill, is now well on her way to good health.

* * *

JOHN GRIERSON, British Government movie expert, who was invited by the Canadian Government to aid in the work of "revamping" Canada's production of motion pictures, said, aim of new move was to "tell Canada's story on the screen in a form of dramatization rather than a lecture".

RKO'S "Ferdinand The Bull" Held Over At Radio City, N.Y.

Digest Reviews and Previews

★★★ Excellent ★★ Very Good ★ Good • Fair or Poor

★ ★ ★

"DRUMS"

LONDON FILMS - U.A.

ALEXANDER KORDA, who first startled the American public into the realization that England could produce good pictures with "Henry VIII", deserts the divorce courts and returns to the realm of spectacle and adventure, with this thrilling story of life and strife on the northwest frontier of India.

Photographed in Technicolor, the film bears the unmistakable stamp of quality, and as such will receive as great a success in this country as an American picture of equal merit. Already it has broken box-office records in Montreal and other Canadian key centres, and played to surprisingly excellent business in its engagement at the Radio City Music Hall, New York City. It is, incidentally, the first Alexander Korda production to be released in Canada by United Artists.

The story, by the famous English novelist, A. E. W. Mason, is a typical one of the Indian frontier, with the villain a haughty Indian prince, the heroes, the British army, on whom the sun never sets, and the individual hero, a young Indian prince, who succeeds in frustrating the plans of the villain to ambush and wipe out a whole British regiment.

Zoltan Korda, brother of Alexander, directed the film, and much of the credit for its success must go to him. His handling of the mob scenes is particularly brilliant, especially since the majority are genuine natives, albeit many of them tame ones.

Principal acting honors go to the youthful Sabu, star of "Elephant Boy", who continues his fine work of the previous film, as the friendly young Prince Azim; to Raymond Massey for his excellent characterization of the villainous Prince Ghul; to Roger Livesey as the typical British army captain, a real "pukha sahib". Others in the cast include Valerie Hobson as the British captain's wife, Desmond Tester as a drummer boy, Archibald Batty, Ronald Adam, and Edward Lexy as army officers, Francis L. Sullivan as the Governor, and Amid Taftazani as a native.

If you like some realistic action, with very little romance, but lots of political intrigue, treachery, etc., then you'll enjoy Alexander Korda's "Drums", and certainly the youngsters will have a real field day.

"JAY L"

Running time—100 minutes.

★

"KING OF THE UNDERWORLD"

WARNER BROTHERS

CO-STARRING Kay Francis and Humphrey Bogart, with James Stephenson featured, this film is destined for double-bill bookings. It is a typical gangster story, with few new angles, but is well acted and directed, and as such, merits attention.

As the picture opens, Kay Francis and John Eldredge are married. Both are doctors, and both are in active practice. Hubby, however, performs a brilliant operation on a gangster, and as a result becomes involved with Humphrey Bogart, self-styled "Napoleon of Crime". Eldredge becomes the official doctor for the gang, although his wife is ignorant of the fact. In a police raid on the gang's hideout, Eldredge, who was treating one of the gang at the time, is killed, and Kay Francis arrested on a charge of assisting the gang. She is released by the police when the jury disagrees, but is given just a few weeks by the Medical Association to prove her innocence. How she succeeds in contacting the gang, and in the end not only brings about the capture of the whole gang, but wins herself a new husband as well, makes fairly entertaining film fare.

Kay Francis is okay as the "lady sawbones", and James Stephenson, sent over from Warner's Teddington Studios in England, is satisfactory as the romantic interest. Humphrey Bogart makes an interesting character out of the gangster chief, a role in which he excels. Others in the cast include Jessie Busley, Raymond Brown, Ralph Remley, Charles Foy, Murray Alper, Elliott Sullivan and Charles Trowbridge.

Directed by Lewis Seiler.

Running time—70 minutes.

SHORT SUBJECTS

"FERDINAND THE BULL"

RKO RADIO

MUNRO LEAF'S best selling bovine, Senor Ferdinand of Madrid, has at last reached the Technicolor screen, thanks to the genius of Walt Disney and his crew of artists, assisted by Robert Lawson, the original illustrator of the famous children's book. According to certain sources of information, 'Ferdinand the Bull', as a book, has sold over 200,000 copies in two years, so it is logical enough to believe that your patrons will flock in droves to your theatre, if you are adept enough to advertising the fact that this famous character is now on your screen. There are several methods of doing this, such as equal billing with your feature presentation, or, as we hear appeared in one theatre advertisement, "'Ferdinand the Bull' — plus two big features"!

The story of "Ferdinand the Bull" tells of a peace-loving young bull, whose favorite pastime is lying beneath a cork tree smelling flowers. By accident (a bee stings him driving him temporarily wild) he is picked by envoys from Madrid, to perform in the bull ring, said envoys believing him to be wild and woolly. When the big day is at hand, with the arena packed, flags flying, etc., etc., Ferdinand sits down in the centre of the ring, and sniffs at some flowers that have been tossed into the ring.

All of you who are acquainted with Munro Leaf's narrative, or with Robert Lawson's illustrations, will get an additional kick out of seeing it on the screen, especially with Don Wilson's smooth narration throughout the reel. Those of you who have missed the literary treat of the decade, will have a real surprise in store for them, for this is not just another Walt Disney Silly Symphony, but ranks rather with "Snow White", although, of course, it is only a short.

20th Century-Fox's "Suez" Best Box-Office, Montreal

Digest Reviews and Previews

However, if you give it feature billing alongside your regular feature, you'll find the added attendance at the box-office much to your liking.

Running time—8 minutes.

"THE NIGHT WATCHMAN"
VITAPHONE

A MERRIE MELODY cartoon that will score a hit with the majority of your patrons. Tommy Cat, Jr., takes the place of his sick father as night watchman of the kitchen. Butch Mouse and his rang of toughies, raid the kitchen and run Tommy, Jr., ragged, until he gets a grip on himself, and in the twinkling of an eye routs the whole gang.

Running time—7 minutes.

"TIMBER TOPPERS"
20th CENTURY-FOX

A SPLENDID sports reel, showing the training by experts of championship steeplechase horses. The various stages of training are shown, from the time the thoroughbreds are colts, right up to show-ring time. The manner in which the horses respond to the slightest tug of the reins is almost uncanny. Very interesting subject. Narrated by Ed Thorgersen.

Running time—10 minutes.

"GRID RULES"
METRO-GOLDWYN-MAYER

LATEST Pete Smith Specialty, showing the whys and wherefores of modern American football. The old days are shown, when players wore all kinds of body protectors, and when the game was really in its primitive stages. The usual Pete Smith comedy is present, both in pictorial form and in the narration. Worth booking.

Running time—9 minutes.

PERSONAL MUSINGS

A MOTION picture, filmed in Technicolor, with the Royal Canadian Mounted Police organization as the "hero", will have its world premiere the week of December 9th, at the Orpheum Theatre, Vancouver, B.C. In order that the pictorial presentation of the world-famous "Mounties" be as accurate as possible, a former member of the force, ex-Constable Bruce C. Carruthers, was engaged as technical director, and also was awarded an acting role in the film. Title of this picture is "Heart of the North", produced by Warner Brothers, and starring Dick Foran, Gloria Dickson, Gale Page, Patric Knowles and Janet Chapman.

Phil O'Regan, who owns the Francais and Victoria Theatres, Ottawa, and the Laurier, Hull, was in Toronto this week, to attend the National Motor Show here. We didn't hear whether Phil bought a new car or not, but there was a rumour going around, that the most expensive car in the show, a $14,000 Cadillac, had been sold. Could be!

Dick Garrett, Imperial, Barrie, a Toronto visitor.

W. L. Payne, Capitol, Listowell, in town this week.

Mr. and Mrs. H. J. Sutherland, who own and operate the Lyric Theatre, St. Mary's, Ont., and several other houses in other towns, were in Toronto recently arranging bookings.

Also seen around the exchanges recently were Bill Stewart, Rex, London, and Miss Elliott, booker for Fred Guest, Delta Theatre, Hamilton.

The town of Campbellford, Ont., population approximately 2,700, is sticking out its municipal chest these days, ever since it was made the subject of a motion picture short subject by Frank Carlton Productions of London, England. For the past two years the Frank Carlton Productions have been showing films of the larger Canadian cities in England, made by them in 1936, and now the company is back in Canada, after new subjects for their shorts. The new series will be of typical Canadian country life. Dr. Carlton, head of the film company, presented the town with a complete print of the film, and a print was shown at Mr. A. Rappaport's Hollywood Theatre in Campbellford.

The Centre Theatre, celebrated its second anniversary, with a birthday cake. Lloyd Mills, manager of the theatre ran a party for the members of his staff, and their friends. Several novelty numbers were presented by members of the staff; Manager Mills, expressed his appreciation of his staff's co-operation — and a good time was had by all.

Through the courtesy of Mr. A. E. Gregoire, manager of the Capitol Theatre, St. John's, Que., a special Toy Shop Matinee was held at the Capitol in aid of the annual Boy Scouts Toy Repair Shop. Admission to the theatre on the day of the special matinee, was one toy.

Herb Nelson, son of veteran Jack Nelson of the Capitol, North Bay, has been appointed manager of the new Empire Theatre, Timmins, Ont. The Digest extends its heartiest congratulations, and expresses the hope that Herb Nelson will achieve the success and popularity which had been the good fortune of his illustrious father.

"Jay L."

December Feature Release Dates

METRO-GOLDWYN-MAYER

"Spring Madness" .....Dec. 4
"The Shining Hour" .....Dec. 11
"Out West With the Hardys"..Dec. 18
"A Christmas Carol" .....Dec. 24

20TH CENTURY-FOX

"Road Demon" .....Dec. 2
"Up the River" .....Dec. 9
"Down on the Farm" .....Dec. 16
"Thanks for Everything" .....Dec. 23
"Kentucky" .....Dec. 30

W-B - FIRST NATIONAL

"Comet Over Broadway" .....Dec. 3
"Heart of the North" .....Dec. 10
"Going Places" .....Dec. 31

WARNER BROS.

"Dawn Patrol" .....Dec. 24

RKO RADIO

"Next Time I Marry" .....Dec. 9
"The Great Man Votes" .....Dec. 30

COLUMBIA

"The Strange Case of Dr. Meade" .....Dec. 15
"Rio Grande" .....Dec. 8
"California Frontier" .....Dec. 15
"There's That Woman Again" Dec. 24
"International Spy" .....Dec. 29

UNITED ARTISTS

"Trade Winds" .....Dec. 24
"Duke of West Point" .....Dec. 29

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U-A's "The Cowboy and the Lady" Big $105,000 Radio City, N.Y.

Fairweather in the Maritimes

By ALICE T. FAIRWEATHER

LARRY GRAYBURN, manager of the Capitol Theatre, and T. J. Courtney, manager of the Casino Theatre, Halifax, have succeeded in promoting the offer of a Pontiac Sedan Car, 1939 model, as an extra prize for the Movie Quiz Contest for Halifax and Dartmouth theatre patrons. This contest will be extended to the end of January for Halifax and Dartmouth.

GLACE BAY, N.S.

"LOVE FINDS ANDY HARDY" continues to prove its worth, and its showing was extended at the Savoy, Glace Bay, the Capitol Theatre, Sydney, N.S., and other towns in both Nova Scotia and New Brunswick.

SAINT JOHN, N.B.

A FREE show was held at the Capitol Theatre, Saint John, N.B., on Saturday morning, the admittance being by a label from a regular size tin of Crown Brand Corn Syrup. A serial and a number of Disney Shorts made up the programme.

Mr. J. M. Franklin, of the Mayfair and Regent Theatres, Saint John, and of the Franklin-Herschorn Theatre Company, recently returned from Montreal where he was present at the opening of the new York Theatre on St. Catherine Street West, operated by George Nichols of the United Amusement Company.

The big storm brought with it several near casualties. One of the large windows in the lobby of the Capitol Theatre, Saint John, was blown in, and the well-known manager of that theatre, who is not a six footer, when crossing the street near the Admiral Beatty Hotel, was swept nearly a block before he was able to navigate for himself as the wind was actually blowing at a rate of sixty miles an hour.

Lew McKenzie has returned from Montreal where he attended a meeting of the Eastern Branch Managers. Among those present at this meeting was R. H. Haines of New York, Eastern Sales Manager for Warner Bros.

R. G. March, Twentieth Century-Fox Branch Manager, recently returned from Boston where he attended a meeting of that Company's representatives.

A. E. Smith of Regal Films Limited, Branch Manager at Saint John, paid a business visit to Montreal recently.

A motor trip of great difficulty was accomplished when Mr. J. M. Franklin drove from Halifax to St. John during the time of the big storm which raged over the Provinces. The road lies in one part between very high hills and the wind made driving difficult. Mr. Franklin was returning to Saint John from his new Mayfair Theatre at Dartmouth. This building, which is the first real stadium type theatre in the Maritimes, is being visited by many Nova Scotia exhibitors. The neon ceiling is especially admired and the foyer and parlours are being extensively used by Dartmouth and Halifax patrons.

CHATHAM, N.B.

FIRE was caused in the Opera House, Chatham, during the presentation of a play there by three small boys who, allegedly pushed a lighted match through the door of the ladies' dressing room, burning a coat hanging on the door nearby. This is an unused theatre at the present time, but rented for community purposes.

SHELBURNE, N.S.

Mayor F. S. King of this city, who operates the Magnet Theatre, has announced his intention of completely renovating the interior and exterior of his theatre. In the meantime, he has recently installed new sound and projection equipment.

CHESTER, N.S.

IT is rumoured that a new theatre will be erected at Chester, N.S., by Messrs. Corkum and Redden who now operate the Keneric Theatre at Hubbards, N.S.

THEATRE CONSTRUCTION AND RENOVATION

BRANTFORD, ONT.

Tenders have been called by John Taylor and Son, owners, for construction of a new motion picture theatre on Colborne Street, immediately east of Clarence Street. Architects for the new theatre are Messrs. Kaplan & Sprachman, of Toronto.

VANCOUVER, B.C.

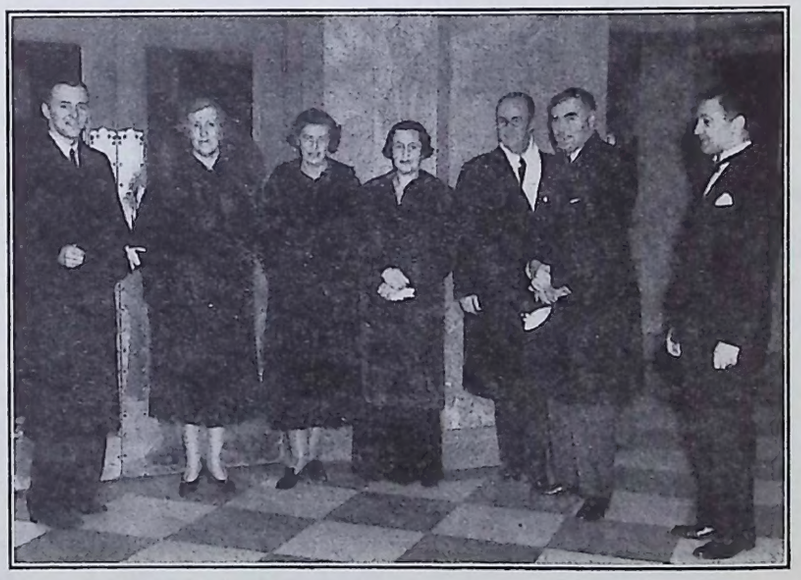
Flack Investments Ltd., owners of an option on the property at the north side of 41st Ave., west of Granville St., have received relaxation of front yard regulations from the Zoning By-Law Board of Appeals. The company is acting for a private investor who is planning to build a combined theatre and store building on the site. Value of the land and prospective building is set at $50,000.

FORT ERIE, ONT.

A complete new theatre front, patterned along modernistic lines, and carried out in vitrolite structural glass with stainless steel moulding now graces the Bellard Theatre, Duffering Street. Color scheme is in black, yellow and red.

TORONTO, ONT.

The Toronto Board of Control has approved the construction by Harry Davidson, owner, of a $35,000 theatre on the south side of Bloor St., just west of Manning Ave.



Her Excellency, Lady Tweedsmuir and her party, photographed with Mr. Stanley E. Gosnell, of M-G-M, after a special screening of "The Citadel". "It was a thoroughly enjoyable evening, and a very fine show," said Lady Tweedsmuir.

M-G-M's "Out West With the Hardys" Hold-Over Business, U.S.

Legally Yours

By M. S. MILLSTONE

QUESTION

S., Ottawa, Ont. — *Is an exhibitor obliged to take pictures which he has under contract, when the exhibiting date of these pictures has been indefinitely postponed. This postponement is due firstly to "protection", and secondly, to longer runs on the picture than anticipated by extended playdates at those theatres which have "protection privileges"?*

ANSWER

If the contract provides that the pictures are to be released to the exhibitor on a definite date, then the non-release on such date would constitute a breach of contract, which would probably justify the exhibitor in refusing to accept the pictures. If, however, no definite date is set for the release of the pictures to the exhibitor, the exhibitor is entitled to the delivery of the pictures within a reasonable time, having regard to the customs and usages prevailing in the motion picture business.

QUESTION

S. B., Toronto, Ont.—*I own and operate a moving picture theatre. One of my patrons so misconducted himself in the theatre during the performance that I was compelled to eject him. He threatens to sue me for damages. What are my rights?*

ANSWER

I presume that the patron purchased the ticket in the usual way and that the ticket does not contain any conditions. Under these circumstances the ticket is only a license to the purchaser thereof to enter the theatre and watch the pictures. The license granted by the sale of a ticket includes a contract not to revoke the license arbitrarily, which contract entitles the purchaser to stay and witness the whole performance providing he behaves properly and complies with the rules of the management. From the facts, as stated by you, it would appear that the patron has no right to action against you for being ejected from the theatre.

QUESTION

A. L., Hamilton, Ont.—(1) *What is meant by "fire resistant construction" as applied to theatres in Ontario?*

(2) *What is deemed to be a "public hall"?*

ANSWER

(1) "Fire resistant construction" is defined by the regulations made pursuant to the Ontario Theatres and Cinematographs Act, as a type of construction in which all walls, floors, ceilings, stair-ways and partitions are of entirely incombustible material.

(2) The said regulations also define a "public hall" to be any place or building other than a theatre to which an admission fee is charged or where after admission, a charge is made or fee collected.

QUESTION

E. D. R., Torono, Ont.—*I am the owner of a moving picture theatre and have had some trouble from persons bringing offensive smelling liquids into the theatre with the object of embarrassing and inconveniencing my patrons. Is there any law covering this?*

ANSWER

The Ontario Theatres and Cinematographs Act provides that no person shall have in his possession at or near any theatre, public hall or other place of amusement which is subject to the said Act or the regulations made thereunder, or shall carry or bring in or upon, or attempt to carry or bring in or upon, or aid or assist in carrying or bringing in or upon any such premises, or shall throw, deposit, inject or attempt to throw, deposit or inject, or aid or assist in throwing, depositing or injecting, in or upon any such premises any vile, noxious, offensive smelling or injurious liquid, gas or solid or any stink or stench bomb in any form, or any device from which such liquid gas or solid may be liberated and which upon being liberated may inconvenience, cause discomfort to or discommode any persons, or do damage to any property. It is further provided that any contravention of the above, subjects, the offender to a penalty of not less than $500. nor more than $1,000. and to imprisonment for one year, and if such penalty is not paid, to an additional period of imprisonment of nine months.

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Stop! Look! Listen!

United Artists reported will sign a new two year contract with Selznick Pictures . . . Toronto Motion Picture Projectionists, Local 173, meet this week end to elect new officers . . . American pictures securing best box-office receipts in Switzerland . . . Warner Bros. report $1,929,721 operating profit for the fiscal year ending August 27th . . . France Film Company will run the Arlequin and Victoria Theatres at Quebec City, booking their own product into these two houses . . . "Sixty Glorious Years" will not be released in Canada until some time in March, according to latest reports. At present Herbert Wilcox, producer, and Anna Neagle, star, are in Hollywood . . . M-G-M's "The Citadel" closed a two week's run at Loew's, Toronto, with very, very handsome figures . . . Warner's "Angels With Dirty Faces" does big business openings in U.S. . . . W. D. McPhee became Chief Inspector of Theatres for Ontario, on resignation of Mr. Harry Dobson, headquarters at Toronto . . . Mrs. Flora Disney, mother of Walt and Roy Disney, passed away at her home in Los Angeles . . . University of British Columbia Film Society, showed film of Adolf Hitler's Nuremberg address, "Slalom" World Pictures, Boston, production, and short, "Pilots of London" . . . Benefit performance of "Pygmalion", sponsored by Nicholas M. Schenck of M-G-M for German refugee relief, to be held at the Astor Theatre, New York . . . $100,000 theatre to be built by Hanson Theatre Corporation at St. Catharines, Ontario. Site is the parking lot next to the Capitol, and seating capacity will be 1,000 . . . James P. O'Loghlin, 20th Century-Fox, Toronto, now enroute to the Coast for sales-production conferences . . . Moving pictures used at Supreme Court hearing at City Hall, Toronto. First time evidence shown by motion pictures in Canada . . . Ray Lewis in New York.

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Showmen Spread Goodwill At Christmas

Exhibitors Say "We Need Action On 16mm. Films!"

By MERRYL LEA

NOW, approximately six months after your Editor, Ray Lewis, commenced to warn the Exhibitors in Canada, to guard against the 16mm. danger, pointing out the far-reaching effects this form of presentation would have on the regular 35mm. business — alert exhibitors are becoming aware, and are spurred to action.

We have had many Exhibitors come to The Digest explaining the situation in their location; some who come to Toronto and call to see us personally; some who telephone, others who write us letters.

We publish a letter from Mr. Rankin, of Tilbury, which shows a keen awareness of what 16mm. means, and the type of spirit which says to fellow Exhibitors, "What we need is Action"!

"Dear Miss Lewis:

Your recent articles on 16mm., are most commendable, and received our heartiest endorsement.

The average small town has from 15 to 25 thousand invested in a theatre, a street zoning and a large film rental.

The government insists he keep in the red, with new modern equipment, and a well protected building against any fire hazards; a business tax, a performing rights tax, a theatre tax, amusement tax and score charge (the latter for which I have yet to receive a satisfactory explanation).

Along comes 16mm in a $5.00 per night hall, including heat and electricity, to show in apposition to this small town exhibitor, who has helped to build the community and become one of its useful citizens.

The last hall I was in, was upstairs over a drug store, with ten year old scenery, stored on the stage, and dirt from the last year's New Year's Dance. Benches were used as seats, the farm lads were palming lighted cigarettes for sneak drags. Only one fire escape, I would doubt its safety, with a pile of ashes from the drug store below. A perfect, ill-ventilated fire trap, which may show 16mm. and nothing is done about it. Yet there are many exhibitors sitting back on their haunches, very indifferent to the whole thing.

Toilets were not to be found, and there was a strip across the auditorium, to trip over.

In cold weather, a stove is used for heating, a good smokey stove pipe going across the auditorium.

I have sung in most of these halls, and I would hate to think of what would happen in case of a fire, when the lights were out. Sheets were used for curtains, and stoves became overheated.

Mr. Art Stock of Petrolia, has seen fit to fight in the interest of the small town exhibitors, interviewing Col. Cooper and the Government. He should receive the loyal support of every exhibitor. This is a Democratic country, and let's see that our movies do not fall into the hands of a dictator.

We want to thank you for your recent article, which is on a most worthy cause.

Yours very truly,

(Signed) HARLAND RANKIN,
Plaza Theatre,
Tilbury, Ontario."

PROTEST Meetings were held last Sunday at the Capitol Theatre, Saint John, New Brunswick, and at the Capitol Theatre, Calgary, Alberta. These meetings were held in protest against Nazi atrocities toward racial, religious and minority groups, and were attended by all sections of the communities. The speeches of the Protest Meeting at Calgary, were broadcast over Station CJCJ.

At Toronto, a Protest Meeting was held at Maple Leaf Gardens, where approximately 15,000 people gathered to protest against the Nazi atrocities. Representatives were present of the Catholic, Protestant, and Hebrew groups. Mr. N. L. Nathanson was on the platform, and Rabbi Levy, father of Jules Levy, Sales Manager of RKO Radio Pictures, delivered the opening benediction. Rabbi Levy is referred to as the Dean of the Rabbinate in Toronto.

LONDON, Ontario, showed its appreciation of fine character when 'Bill' Stewart, veteran showman of the Patricia and Rex Theatres, was uniquely honoured when the local Forest City Flying Club, passed a motion to the effect that 'Mr. Stewart was famous for knowing, 'when a fellar needs a friend'. The young men expressed themselves as believing, 'men like Mr. Stewart are the ones who make life worth living for those in poor circumstances'. They further said, "We honor Mr. Stewart because most of us are grateful to him for human kindness. We are grateful for his still being a citizen of London and showing by his prosperity, that GENEROSITY of LIFE and SERVICE DOES PAY".

WELL boys, Christmas is coming, and what are you doing about it? It's the time of the year when Showmen make a special effort to join in on all Community efforts to give the poor of their city, town, or village, a chance to have a Merry Holiday. Benefit performances, toys, old clothes, foodstuffs, pay the price of admission to spread cheer and establish plenty of Goodwill for the theatre in "Yourtown". Be sure and do your share — you'll have a feeling of satisfaction in having helped others.

While on the subject of Christmas as it concerns Show Business—don't fail to dress-up your theatre early this year. Be the first one to attract attention with Yuletide cheeriness. And how about the sale of theatre tickets as Christmas Gifts? Use your own screen to advertise this form of gift, which even the most particular will be glad to receive. Advertise to your patrons, the fact that theatre gift tickets cannot fail to please, because they are both pleasure-giving and practical. If you have never made an effort to sell your theatre tickets at Christmas Time — start this year. You will be surprised at the patronage you will build up, and the advertisement your theatre will receive.

Washington Film Digest

By MILTON F. LUNCH

U.S. SUPREME COURT RULES PATENT HOLDER HAS RIGHT TO RESTRICT ITS USE

Washington, D.C., Dec. 1—(*CTP*) THE long-disputed and much discussed controversy over the use of restricted patents in motion picture projection equipment came to a final and conclusive end here last week when the U.S. Supreme Court decided that a patent holder does have the right to restrict the use of patents held by him.

The important decision was handed down in the case of General Talking Pictures Corporation vs. AT & T, ERPI, and Western Electric. The High Court reaffirmed its decision of last term and ruled that the patent holders were within their legal rights in placing restrictions against use in motion picture projection equipment of vacuum tube amplifiers purchased by General Talking Pictures, through American Transformer Company, and used in violation of the restrictions.

Justice Brandeis delivered the majority opinion of the court in which he stated that the court should not answer either of the two questions presented by GTP in their application for a re-hearing which was granted on May 31st. The two questions were (1) "can the owner of a patent, by means thereof, restrict the use made of a device manufactured under the patent, after the device has passed into the hands of a purchaser in the ordinary channels of trade, and full consideration paid therefor?" and (2) "can a patent owner, merely by a 'license notice' attached to a device made under the patent, and sold in the ordinary channels of trade, place an enforceable restriction on the purchaser thereof as to the use to which the purchaser may put the device?"

Justice Brandeis declared "upon further hearing we are of opinion that neither questions should be answered. For we find that, while the devices embody the inventions of the patents in suit, they were not manufactured or sold 'under the patents' and did not 'pass into the hands of a purchaser in the ordinary channels of trade'."

Both the American Transformer Company and GTP were infringers of the patent the decision stated. "Transformer Company knowing that it had not been licensed to manufacture or to sell amplifiers for use in theatres as part of talking picture equipment, made for that commercial use the amplifiers in controversy and sold them to Pictures Corporation for that commercial use. Pictures Corporation ordered the amplifiers and purchased them knowing that Transformer Company had not been licensed to make or sell them for such use in theatres. Any use beyond the valid terms of a license is, of course, an infringement of a patent," the decision declared.

"If, where a patented invention is applicable to different uses, the owner of the patent may legally restrict a licensee to a particular field and exclude him from others," the court declared.

The Supreme Court decision slighted the Justice Department contention that "public policy can not tolerate the extension of the patent privilege to control the use to which the consumer may put the article after it has been marketed". The Justice Department had entered the case unexpectedly as "a friend of the court" with a brief contending that the respondents were part of a patent pool monopoly that was throttling progress.

"The question of law requiring decision is whether the restriction in the license is to be given effect. That a restrictive license is legal seems clear," the court declared. "The practice of granting licenses for a restricted use is an old one."

"As the restriction was legal and the amplifiers were made and sold outside the scope of the license, the effect is precisely the same as if no license whatsoever had been granted to Transformer Company. And as Pictures Corporation knew the facts, it is in no better position than if it had manufactured the amplifiers itself without a license. It is liable because it has used the invention without license to do so."

"Almost a century ago, this court asserted, and time after time thereafter it has reasserted, that when an article described in a patent is sold and 'passes to the hands of a purchaser it is no longer within the limits of the monopoly. It passes outside of it, and is no longer under the protection of the Act of Congress . . . Contracts in relation to it are regulated by the laws of the State, and are subject to State jurisdiction'," the dissenting Justices declared.

"Indeed, petitioners could use the amplifiers at all only in combination with tubes which it purchased on the open market from retailers authorized by respondents to sell. Therefore, even if the state of mind of vendor and purchaser were material, Transformer Company should be considered an infringer only because it sold a commodity which might — depending on possible events after the sale — be used in infringing combination with another lawfully purchased commodity. The patent law was not intended to accomplish such result," the dissenting Justices argued.

FILM EXECUTIVES MAY TESTIFY ON PROFIT-SHARING

THE Senate Finance sub-committee investigating profit sharing has sent letters to Nicholas M. Schenck, President of Loew's, Inc. and Will Hays, President of the MPPDA, requesting their opinions and suggestions on incentive taxation to encourage the spread of industry profits among employees, it was learned this week.

The letters ask Schenck and Hays to consider the possibilities of such taxation to encourage profit sharing and let the committee know their reactions. Thomas I. Walsh, technical advisor of the committee, stated that the replies would probably be used as the basis for invitations to appear before the committee to testify. He pointed out, however, that no subpoenas are being issued and the film leaders may reject the invitations if they so desire.

Earlier in the week Marion B. Folsom, Treasurer of Eastman Kodak Co., appeared before the committee to describe his company's successful profit-sharing system. He declared that while profit-sharing was of value to the country it could not succeed under tax incentives, branding such methods unsound and unworkable.

Folsom explained to the committee how Eastman Kodak pays an extra return to employees in the form of a dividend on their wages, "just as a return to stockholders is a dividend on their investment".

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EVERYTHING FOR THE THEATRE FROM SHEET TO STREET

Shooting the Stars

Returning to a musical picture for the first time since "BORN TO DANCE", VIRGINIA BRUCE was teamed this week by M-G-M with NELSON EDDY in "SONG OF THE WEST" . . . HENRY FONDA and MAUREEN O'SULLIVAN have been signed by COLUMBIA for the principal roles in a new production tentatively entitled, "LET US LIVE" . . . . . EDWARD G. ROBINSON will star for WARNER BROS. in "FOOTSTEPS IN THE DARK", from the well-known Hungarian play by LADISLAUS FODOR . . . JOHN CARRADINE and LIONEL ATWILL have been added to the cast of Sir Arthur Conon Doyle's "HOUND OF THE BASKERVILLES", which 20TH CENTURY-FOX will bring to the screen under the direction of WILLIAM SEITER; RICHARD GREENE and ANITA LOUISE will have the romantic leads, with BASIL RATHBONE and NIGEL BRUCE as Sherlock Holmes and Dr. Watson, respectively . . . WENDY BARRIE has been signed to appear in three RKO RADIO productions within the coming year; her first film under the new contract will be in "THE SAINT STRIKES BACK", with GEORGE SANDERS in the title role . . . . HUGH WILLIAMS, the English stage and screen actor, will play the role of Hindley in SAMUEL GOLDWYN'S production of "WUTHERING HEIGHTS", in which MERLE OBERON and LAURENCE OLIVIER will be co-starred; release will be through U.A. . . . GEORGE MURPHY, actor, singer and dancer, has been signed to a new long-term contract by METRO-GOLDWYN-MAYER; it is understood that the studio plans to feature the actor in a number of its new musical productions . . . "WILDCAT BUS", an original story by OWEN FRANCIS, has been purchased by RKO RADIO, and will be made ready by Producer CLIFF REID for filming early this winter; CLARENCE UPSON YOUNG is handling the screen adaptation . . . ALAN DINEHART, well known character actor, has been signed for the "heavy" role in EDWARD SMALL'S "KING OF THE TURF", starring ADOLPHE MENJOU; UNITED ARTISTS will release . . . . . HENRY KING, currently completing the direction of "JESSE JAMES", has been named by 20TH CENTURY-FOX to direct "STANLEY AND LIVINGSTONE", in which SPENCER TRACY will portray Stanley . . . JANE WYMAN this week joined PAT O'BRIEN, JOAN BLONDELL, WAYNE MORRIS and MAXIE ROSENBLOOM in the cast of WARNER BROS.' "BROADWAY CAVALIER", soon to go into production . . . . JOHN TYRELL, PAUL WHITNEY and MORGAN CONWAY have been assigned to character roles in COLUMBIA'S new drama, "INTERNATIONAL SPY", with FAY WRAY and RALPH BELLAMY in the leads and featuring WARREN HULL.

Charles Boyer, soon to be seen with Irene Dunne, in RKO Radio's "Love Affair".

Trans - Canada Showings

TORONTO

CIRCLE
"There's Always A Woman" (Columbia), starring Melvyn Douglas and Joan Blondell, and "Yellow Jack" (M-G-M), starring Robert Montgomery and Virginia Bruce.

IMPERIAL
"Men With Wings" (Paramount), starring Fred MacMurray and Ray Milland.

LOEW'S
2nd week. "The Citadel" (M-G-M), starring Robert Donat and Rosalind Russell.

SHEA'S
"Garden of the Moon" (Warners), starring Pat O'Brien, Margaret Lindsay and John Payne, and "Girls on Probation" (Warners), with Jane Bryan.

UPTOWN
2nd week. "If I Were King" (Paramount), starring Ronald Colman.

MONTREAL

CAPITOL
"Suez" (20th Century-Fox), starring Tyrone Power, Loretta Young and Annabella.

LOEW'S
"A Man to Remember" (RKO Radio), with Anne Shirley and Edward Ellis.

ORPHEUM
3rd week. "The Young in Heart" (Selznick-U.A.), starring Janet Gaynor, Douglas Fairbanks, Jr. and Paulette Goddard, and "Touchdown, Army" (Paramount), with John Howard.

PALACE
2nd week. "If I Were King" (Paramount), starring Ronald Colman.

PRINCESS
2nd week. "Dracula" (Universal), starring Bela Lugosi, and "Frankenstein" (Universal), starring Boris Karloff.

SAINT JOHN

CAPITOL
"You Can't Take It With You" (Columbia), starring Jean Arthur, James Stewart, Lionel Barrymore and Edward Arnold.

EMPIRE
"Personal Property" (M-G-M), starring Jean Harlow and Robert Taylor, and "Kind Lady" (M-G-M), with Aline McMahon and Basil Rathbone.

MAYFAIR
"Carefree" (RKO Radio), starring Fred Astaire and Ginger Rogers, and "Crime Ring" (RKO Radio), with Allan Lane.

PRINCESS
"Stolen Holiday" (Warners), starring Kay Francis, and "King Solomon's Mines" (G-B), starring Sir Cedric Hardwicke.

REGENT
"Songs of the Legion" (Paramount), with Lynne Overman, and "Torchy Blane in Panama" (Warners), with Lola Lane and Paul Kelly.

WINNIPEG

CAPITOL
"If I Were King" (Paramount), starring Ronald Colman.

GARRICK
"Girls' School" (Columbia), starring Anne Shirley, Nan Grey and Ralph Bellamy.

GAIETY
"The Crowd Roars" (M-G-M), starring Robert Taylor with Maureen O'Sullivan, and "The Jury's Secret" (Universal), with Kent Taylor and Fay Wray.

LYCEUM
"Dracula" (Universal), starring Bela Lugosi, and "Frankenstein" (Universal), starring Boris Karloff.

METROPOLITAN
"Drums" (London Films), starring Sabu and Raymond Massey.

CALGARY

CAPITOL
"Men With Wings" (Paramount), starring Fred MacMurray and Ray Milland.

GRAND
"A Desperate Adventure" (Republic), starring Ramon Novarro and Marian Marsh. Also stage show.

PALACE
"You Can't Take It With You" (Columbia), starring Jean Arthur, James Stewart, Lionel Barrymore and Edward Arnold.

STRAND
"Letter of Introduction" (Universal), starring Adolphe Menjou, Andrea Leeds, Edgar Bergen and Charlie McCarthy, and "Renfrew of the Royal Mounted" (G-N), with James Newill.

VARIETY
"Rich Man, Poor Girl" (M-G-M), starring Robert Young and Lew Ayres, and "Outlaw Express" (Universal), with Bob Baker.

VANCOUVER

CAPITOL
"If I Were King" (Paramount), starring Ronald Colman.

DOMINION
"Marie Antoinette" (M-G-M), starring Norma Shearer and Tyrone Power.

COLONIAL
"Radio City Revels" (RKO Radio), starring Bob Burns, Jack Oakie and Kenny Baker, and "Adventure's End" (Universal), with John Wayne.

ORPHEUM
"The Mad Miss Manton" (RKO Radio), starring Barbara Stanwyck and Henry Fonda, and "Listen Darling" (M-G-M), starring Judy Garland and Freddie Bartholomew.

STRAND
"Hard to Get" (Warners), starring Dick Powell and Olivia de Havilland, and "Broadway Musketeers" (Warners), with Margaret Lindsay, Ann Sheridan and Marie Wilson.